

AMENDED IN ASSEMBLY MAY 5, 2008

SENATE BILL

No. 1159

Introduced by Senator Cox

February 6, 2008

An act to add Section 25608.10 to the Business and Professions Code, relating to alcoholic beverages, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1159, as amended, Cox. Alcoholic beverages: possession: Truckee River.

(1) Existing law establishes the Alcoholic Beverage Control Act to regulate the possession, sale, and consumption of alcohol. Existing law makes it a crime to violate any provision of the Alcoholic Beverage Control Act.

This bill would prohibit specified persons on certain portions of the Truckee River from possessing a container, as defined, with an alcoholic beverage during the summer holiday periods that the Placer County Board of Supervisors prohibits the consumption *of an alcoholic beverage* or possession of an open alcoholic beverage container on the land portions along *those portions of* the river. The bill would require Placer County to provide notice on the land portions along the ~~river~~ *Truckee River* that this conduct is punishable as an infraction.

Because this bill would create a new crime and require Placer County to provide notice on the land portions along the river that this conduct is punishable as an infraction, this bill would impose a state-mandated local program.

This bill would make legislative findings and declarations as to the necessity of a special statute.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25608.10 is added to the Business and
2 Professions Code, to read:

3 25608.10. (a) On the portion of the Truckee River, from the
4 outfall of Lake Tahoe upstream of the Highway 89 Bridge in Tahoe
5 City to the Alpine Meadows Bridge, a person in a nonmotorized
6 vessel, *as defined by Section 651 of the Harbors and Navigation*
7 *Code*, or a bather, as defined by Section 651.1 of the Harbors and
8 Navigation Code, shall not possess a container with an alcoholic
9 beverage, whether opened or closed, during the summer holiday
10 periods that the Placer County Board of Supervisors prohibits the
11 consumption of *an alcoholic beverage* or possession of an open
12 alcoholic beverage container on the land portions along *this portion*
13 *of the river*.

14 (b) For purposes of this section, “container” means *a* bottle,
15 can, or other receptacle.

16 (c) A violation of this section is punishable as an infraction
17 pursuant to subdivision (b) of Section 25132 of the Government
18 Code.

19 (d) Placer County shall provide notice on the land portions along
20 ~~the river~~ *Truckee River* described in subdivision (a) that a violation
21 of this section is punishable as an infraction.

22 SEC. 2. The Legislature finds and declares that a special law
23 is necessary and that a general law cannot be made applicable
24 within the meaning of Section 16 of Article IV of the California

1 Constitution because of the unique problem of prevalent
2 consumption of alcohol during certain summer holiday periods on
3 this portion of the Truckee River and the health hazards created
4 by improper disposal of beverage containers.

5 SEC. 3. No reimbursement is required by this act pursuant to
6 Section 6 of Article XIII B of the California Constitution for certain
7 costs that may be incurred by a local agency or school district
8 because, in that regard, this act creates a new crime or infraction,
9 eliminates a crime or infraction, or changes the penalty for a crime
10 or infraction, within the meaning of Section 17556 of the
11 Government Code, or changes the definition of a crime within the
12 meaning of Section 6 of Article XIII B of the California
13 Constitution.

14 However, if the Commission on State Mandates determines that
15 this act contains other costs mandated by the state, reimbursement
16 to local agencies and school districts for those costs shall be made
17 pursuant to Part 7 (commencing with Section 17500) of Division
18 4 of Title 2 of the Government Code.

19 SEC. 4. This act is an urgency statute necessary for the
20 immediate preservation of the public peace, health, or safety within
21 the meaning of Article IV of the Constitution and shall go into
22 immediate effect. The facts constituting the necessity are:

23 In order to protect the health and safety of the public due to the
24 problem of consumption of alcohol during certain summer holiday
25 periods on a portion of the Truckee River, it is necessary for this
26 act to take effect immediately.